

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

NORRIS DION EVANS,

Plaintiff,

VS.

Warden WILLIAM DANFORTH, *et al.*,

Defendants.

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NO. 7:11-CV-109 (HL)

RECOMMENDATION

Since filing his complaint, Plaintiff **NORRIS DION EVANS** has filed a “Motion for Default Judgment” (Doc. 15). In his motion, Plaintiff asks the Court to enter default judgment on the docket because the Defendants have failed to respond to Plaintiff’s complaint.

Rule 55 of the Federal Rules of Civil Procedure provides that a clerk “must enter [a] party’s default” when that party “failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.” Plaintiff’s motion is premature because his complaint has not been served upon the Defendants. In a simultaneously entered Order, the undersigned has directed that Plaintiff supplement his complaint. Plaintiff must first submit the supplement and then the Court will conduct an initial screening of his complaint in accordance with 28 U.S.C. § 1915A(a). If the Court determines that any of Plaintiff’s claims may go forward, it will order service upon the applicable Defendants, who will then have an opportunity to file an answer or other responsive pleading. Accordingly, it is hereby **RECOMMENDED** that Plaintiff’s motion be **DENIED**.

Under 28 U.S.C. § 636(b)(1), Plaintiff may file written objections to this recommendation with the district judge to whom this case is assigned within fourteen (14) days after being served a copy of this Order.

SO RECOMMENDED, this 26th day of October, 2011.

s/THOMAS Q. LANGSTAFF
UNITED STATES MAGISTRATE JUDGE